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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/587,269	07/26/2006	Heike Becker	294001US0PCT	8383

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

NGUYEN, THUY-AI N

ART UNIT	PAPER NUMBER
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1796

NOTIFICATION DATE	DELIVERY MODE
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06/10/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

Office Action Summary	Application No. 10/587,269	Applicant(s) BECKER ET AL.	
	Examiner THUY-AI N. NGUYEN	Art Unit 1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2010 and 09 March 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-8 and 11-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-8 and 11-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/25/2009</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Applicants' responses filed on January 29, 2010 have been fully considered.

Claims 1 and 11 are amended. Claims 5, 9- 10 and 13 have been cancelled. Claims 1- 4, 6- 8, 11- 12 and 14 are pending.

Claim Rejections - 35 USC § 103

Claims 1- 4 and 6- 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meixner et al. (US. 6,777,530) as evidenced by Scherr et al. (US. 5,641,855).

Regarding claim 1, Meixner et al. teach a composition comprising:

a) a water- dispersible compound A crosslinking with other compounds or the mixture (abstract) including monoethylene unsaturated carboxylic acid (i.e. acrylic acid and methacrylic acid) and halogenhydrin (epichlorohydrin, col. 8: 1- 67), wherein the reaction of the compound A (component "a" having the NH or amine group) and unsaturated carboxylic acid (acrylic acid) is a Micheal reaction (col. 9: 40- 60) and the reaction is carried out at a temperature of from 20 to 160 degree of Celsius (col. 10: 65- 68). Meixner et al. do not teach the crosslinkers comprise only epihalohydrin and unsaturated carboxylic acid. It would be obvious that one of ordinary skill in the art will have a compound A (component a) reacting with epihalohydrin and unsaturated carboxylic acid as in evidence of Scherr et al. Because the composition is a product by process, it is examined by structure. Because the composition comprises a water-

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dispersible compound A having all the same crosslinkers as said, it implicitly that A inherently react in the same way as said by the applicant,

Claims 1- 4 and 6- 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meixner et al. (US. 6,777,530).

Regarding claim 1, Meixner et al. teach a composition comprising:

a) a water- dispersible compound A crosslinking with other compounds or the mixture (b) (abstract) that includes monoethylene unsaturated carboxylic acid (i.e. acrylic acid and methacrylic acid), wherein the reaction of the compound A (component “a” having the NH or amine group) and unsaturated carboxylic acid (acrylic acid) is a Micheal reaction (col. 9: 40- 60) and the reaction is carried out at a temperature of from 20 to 160 degree of Celsius (col. 10: 65- 68). Meixner et al. teach the composition wherein polyalkylenepolyamines can crosslink (quaternized) with epichlorohydrin before reacting with component (b) including monoethylene unsaturated carboxylic acid as said above (col. 4: 44- 54).

Meixner et al. do not teach the crosslinkers b comprise unsaturated carboxylic acid. It would be obvious that one of ordinary skill in the art will have a compound A (component a) reacting with epihalohydrin and unsaturated carboxylic acid as in evidence of Scherr et al.. Because the composition is a product by process, it is examined by structure. Because the composition comprises a water- dispersible compound A having all the same crosslinkers as said, it implicitly that A inherently react in the same way as said by the applicant,

b) surfactants (col. 15- 16),

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c, d, e, f, g) propylene glycol (col. 19: 38), alkanolamine (ethanolamine, see the table, col. 27, formulation XII), builder (col. 12: 20- 67), other additives including enzyme, bleach (col. 17- 18), and water wherein the total amount of all components is 100 percent by weight (see table 4, col. 25- 26).

Because the composition comprises the same components as said in the claim, it implicitly has the same characteristic or capable of performing the same function as said by the applicant.

Regarding claim 2, Meixner et al. teach the composition comprising polyalkylenepolyamine (col. 4: 24- 44).

Regarding claim 3, Meixner et al. teach the composition, wherein the crosslinkers include epihalohydrin (epichlorohydrin) and bisglycigyl ether (col. 8: 5- 45).

Regarding claim 6, Meixner et al. teach the composition, wherein the surfactants includes anionic surfactant fatty alcohol sulfates (col. 15: 27- 67) and nonionic surfactant fatty alcohol alkoxyates (col. 16: 1- 21).

Regarding claim 7, Meixner et al. teach the composition comprising propylene glycol (col. 9: 30- 35).

Regarding claim 8, Meixner et al. teach the composition comprising ethanolamine and citric acid (see table, formulation XII, col. 27).

Claims 11 and 13- 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meixner et al. (US. 6,777,530) in view of Sherry et al. (US. 2003/0216272).

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Regarding claims 11 and 13- 14, Meixner et al. teach the process for treating a surface (textile) comprising a step of applying the composition onto the surface (when washing the textile, col. 22: 35- 53), wherein the composition is a detergent or cleaner (col. 2: 8- 11). Meixner et al. do not teach the process for treating a hard surface.

Sherry et al. teach a cleaning wipe and a method of cleaning a hard surfaces including floor and glass (pp. 12- 13), wherein the composition comprises modified water soluble polyamide [0008- 0011]. Meixner et al. and Sherry et al. are analogous art because they are in the same field of endeavor; namely, cleaning composition comprising similar water soluble component (grafted or crosslink polyamine). At the time of the invention, it would have been obvious to one of ordinary skill in the art to apply the teaching of Sherry et al. for using the composition of Meixner et al. in cleaning hard surface in order to bring out variety benefits of the composition. Because the process for treatment of a hard surface is performed in the same procedure with the same components, it should have the same effects as said in the claim.

Claims 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meixner et al. (US. 6,777,530) in view of Sherry et al. (US. 2003/0216272).

Regarding claim 12, Meixner et al. teach the process for treating a surface (textile) comprising a step of applying the composition onto the surface (when washing the textile, col. 22: 35- 53), wherein the composition which is a detergent or cleaner (col. 2: 8- 11) comprises water dispersable compound A. Meixner et al. teach the process wherein a water- dispersible compound A is quaternized or crosslinks with

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epichlorohydrin (col. 4: 44- 54) before crosslinks with other compounds or the mixture (abstract) including monoethylene unsaturated carboxylic acid (i.e. acrylic acid and methacrylic acid). The reaction of the compound A (component "a" having the NH or amine group) and unsaturated carboxylic acid (acrylic acid) is a Micheal reaction (col. 9: 40- 60).

Meixner et al. do not teach the process for treating a hard surface. Sherry et al. teach a cleaning wipe and a method of cleaning a hard surfaces including floor and glass (pp. 12- 13), wherein the composition comprises modified water soluble polyamide [0008- 0011]. Meixner et al. and Sherry et al. are analogous art because they are in the same field of endeavor; namely, cleaning composition comprising similar water soluble component (grafted or crosslink polyamine). At the time of the invention, it would have been obvious to one of ordinary skill in the art to apply the teaching of Sherry et al. for using the composition of Meixner et al. in cleaning hard surface in order to bring out variety benefits of the composition. Because the process for treatment of a hard surface is performed in the same procedure with the same components, it should have the same effects as said in the claim.

Response to Arguments

Applicant's arguments filed on January 29, 2010 and March 9, 2010 have been fully considered but they are not persuasive. Applicants argue that Scherr et al. do not disclose the same product as said in the claimed invention. This is not found persuasive because there is no evidence in the inventive composition showing that all

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amine reactive groups will crosslink with halohydrin or epichlorohydrin, and leaving non-reactive amine in polyalkylenepolyamine to react with unsaturated carboxylic acid. It is the same as polyalkyleneamine crosslinks with monoethylene unsaturated carboxylic and epichlorohydrin when both components monoethylene unsaturated carboxylic and epichlorohydrin are added to polyalkylenepolyamine at the same time and reacting all together as said in the teaching of Scherr et al. (col. 6: 13- 25).

However, because Meixner et al. also teach that polyalkylenepolyamine is quarternized or crosslinked with epichlorohydrin before reacting with unsaturated carboxylic acid, the claims is alternatively rejected under Meixner et al. without using evidence as shown above. There is no new ground rejection in this office action.

Applicants also argue that there is no motivation for one of ordinary skill to combine Meixner et al. and Scherr et al. because they are in different field of endeavor. This is not persuasive because Scherr et al. also disclose a method of preparation a water soluble condensation product which is a main component in a cleaning composition of Meixner et al.. Because they have the same difficulty in relation polyalkyleneamine condensation product as said, one would have a reason to use the teaching of Scherr et al. to cure the deficiency of Meixner et al..

Because the rejections are deem proper, all claims stand rejected and therefore, made final.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THUY-AI N. NGUYEN whose telephone number is (571)270-3294. The examiner can normally be reached on Monday-Friday: 8:30 a.m. - 5:00 p.m. eastern time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton I. Cano can be reached on 571-272-1398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Milton I. Cano/
Supervisory Patent Examiner, Art Unit 1796

/THA/